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C O N F I D E N T I A L SECTION 01 OF 02 BAGHDAD 002456

SIPDIS

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TAGS: [PGOV](#) [PREL](#) [KDEM](#) [KISL](#) [IZ](#)

SUBJECT: SUNNI ARAB CONSTITUTION COMMITTEE OUTREACH HITS A
SNAG OVER NUMBERS

Classified By: Charge d'Affaires David M. Satterfield for
reasons 1.4 (b) and (d)

1. (C) SUMMARY: Despite promising signs earlier this week, negotiations over expanding the Constitution Drafting Committee deadlocked on June 9 over the number of Sunni Arabs who should be added. Some Sunni Arabs are demanding 25 additional representatives of their community on the 55-member committee while Shia and Kurdish leaders say they will allow no more than 15. The Shia want to preserve their majority on the committee and the Kurds do not want the Sunni Arabs to outnumber them. Even if the numbers argument were resolved, further landmines remain: some Shia and Kurdish committee members say they want to vet the nominees for Ba'athist ties and make them publicly denounce violence. All parties want this dispute resolved quickly and say they are at least open to USG mediation. A strategy for such mediation is laid out at the end of this cable. END SUMMARY.

2. (C) Negotiations over Sunni Arab inclusion in Constitution Drafting committee hit a snag on June 9 over the question of how many Sunni Arabs should be added. Sunni Waqf leader Adnan al-Dulaymi announced publicly on June 8 that he believed there should be 25 Sunni Arabs added to the body. President Talabani also indicated PUK support for 25 additional Sunni Arabs in a June 8 meeting with the Charge. That partial consensus fell through June 9 when KDP and Shia leaders both rejected the number as too high. The PUK may also have retrenched. Sunni Arab leaders are sticking to their call for twenty-five additional representatives. Dulaymi, in a conversation with Poloff on June 9, shouted over the phone, "No compromise!"

THE CONFLICTING RATIONALES

3. (C) Poloff's conversations with negotiators on all sides of this dispute reveal the following set of conflicting rationales:

-- SHIA RATIONALE: Shia leaders want to maintain the same 51 percent majority on the Constitutional Committee that they hold in the TNA and, they say, in the country. They currently hold 28 seats on the 55-member committee. (NOTE: They can count on independent Shia Islamist Sami al-Askari siding with them on most issues, so some might say they hold 29 seats. END NOTE)

-- KURDISH RATIONALE: Kurdish activists, particularly from the KDP, believe they outnumber Sunni Arabs in Iraq and should outnumber them on the committee. The Kurdistan Alliance List holds 15 seats on the committee (NOTE: They can count on independent Shia Communist Hamid Musa siding with them on most issues, so some might say they hold 16 seats. END NOTE)

-- SUNNI ARAB RATIONALE: Sunni Arabs promoting the appointment of 25 representatives, in addition to the two Sunni Arabs already on the committee, say they would be accepting less than their share. Many of them say they represent over 40 percent of the population, which would entitle them to 32 seats on an 80-member body. Instead they are accepting 27 seats, which is only 34 percent of the seats. Some have more moderate ambitions but have rejected the previously publicized idea of adding 13 members because they believe the number is being forced on them.

FURTHER COMPLICATIONS POSSIBLE

4. (C) Even if the numbers dispute were resolved, other obstacles to Sunni Arab inclusion may lie on the horizon. All key committee leaders have told us that they accept the notion that added Sunni representatives would act as equal members on the committee. Senior politicians have told us they accept the principle of consensus, not voting, as the means of decision-making on the Committee. They also agree that Sunni Arab representatives have to be chosen by Sunni leaders. Hamudi and others say to emboffs they want a vetting process to insure that they are clean of Ba'athist ties. Here they cite the same law that regulates who may

serve as a member of the Transitional National Assembly. This vetting process could proceed without incident, but it could easily lead to personal disputes.

15. (C) Chaldo-Assyrian committee member Yunadam Kanna told Poloff June 9 that he thinks it might be appropriate to make all Sunni Arab inductees to the committee publicly forswear violence. Kanna also warned that he would sooner have the constitutional committee choose its Sunni Arabs additions itself rather than accept nominees that are likely to obstruct the process. TNA Deputy Speaker and leading KDP member Arif Taifur argued to Poloff that the Sunni demand for 25 seats is deliberately excessive and represents an early effort to obstruct the process.

READY FOR U.S. PRESSURE

16. (C) All parties to the dispute want this dispute resolved quickly, within days. Faced with a dispute that may be beyond the authorities of Adnan al-Janabi's low-level Sunni outreach committee, leaders from all sides have been talking and gathering intermittently but without progress so far. Representatives of all sides to this dispute have said that U.S. pressure might help in brokering a solution. Even Sunni Waqf leader Adnan al-Dulaymi told Poloff he saw value in such intervention.

COMMENT: GETTING TO "YES"

17. (C) Allowing this dispute to fester would endanger efforts to meet the August 15 deadline and spread doubt about the legitimacy of the constitution drafting process. Even if these leaders resolve the dispute over representation, they still have major constitutional debates ahead of them. In short, this dispute could cost time, spread rancor, and bring us no closer to a draft constitution.

18. (C) Compromise appears possible based on the addition to the Constitutional Committee of some 15 additional Sunni Arabs. KDP leader Arif Taifur, committed to 13, told Poloff after a lengthy conversation that he might consider going to 15 as a stretch. SCIRI leader and Constitution Committee Chairman Hamudi begrudgingly made the same concession in a separate conversation. We have heard from Vice President Abd al-Mehdi that Sunni Iraqi Islamic Party leaders are willing to settle for 15-20 added members. Sunni Arab outreach leader Adnan al-Janabi previously told the DCM that he thought 15 additions would be a reasonable number. Adnan Dulaymi, when Poloff sounded him out, is going to be an obstacle, as will his allies on the National Dialogue Council, but if Janabi can be prevailed upon, they are likely to settle as well.

19. (C) Embassy is engaging with all parties to press for a rapid resolution based on inclusion of an additional 15 Sunni members, with no "loyalty" pledge.

10. (U) REO HILLA, REO BASRA, REO MOSUL, and REO KIRKUK, minimize considered.
Jeffrey